

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 9, 2008

The City Council convened in Special Session on Tuesday, December 9, 2008, at 7:10 p.m. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, and Richard Veit. Absent: Michael Weller. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #46986

A motion was made by DAVE BECKERING to excuse the absence of Councilmember Michael Weller. RON STIVISON seconded the motion. All voted in favor, motion passed.

BILLS FOR FINAL PASSAGE

A motion was made by BOB KNEEMILLER to advance Council Bill 9823 on the agenda. DAVE BECKERING seconded the motion. All voted in favor, motion passed.

Bill 9823

An Ordinance Approving the Record Plat for Resubdivision of Lot 4 of Fountain Lakes Commerce Center, Plat 7, a Subdivision in the City of St. Charles, Missouri. (*Sponsor: Michael Klinghammer*)

A separate vote was taken on Council Bill 9823, with the following results:

Passed “Aye”: Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, and Ermeling

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on December 10, 2008, and is known as **Ordinance 08-269**

Bill 9805

An Ordinance Authorizing a Purchase and Sale Agreement with Gerald O. Corriveau and Diane B. Corriveau for the Purchase of a Vacant 2.729 Acre Tract of Land Located on Boschertown Road in an Amount Not to Exceed \$618,000.00 (*Sponsor: Michael Klinghammer*)

Councilmember Michael Klinghammer responded to an inquiry of Councilmember Dave Beckering that a cooperation agreement for development of Boschertown Road was required in the New Town Planned Development Contract; however, a timeframe for development of the road was not specified. A separate vote was taken on Council Bill 9805, with the following results:

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Beckering, Feldman, and Klinghammer

“Nay”: Veit and Ermeling

Absent: Weller

Approved by the Honorable Mayor on December 10, 2008, and is known as **Ordinance 08-255**

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 9, 2008

Bill 9809 (*Withdrawn*)

An Ordinance Creating a New Section to Chapter 54 of the Code of Ordinances to be Known as Section 54.058 Pertaining to Payment of Damages for Obstructing Access to Residential or Business Driveways for Periods in Excess of Seventy-Two Continuous Hours (*Sponsor: Bob Kneemiller*)

Council Bill 9809 was withdrawn by Sponsor Bob Kneemiller.
File #46987

Bill 9811

An Ordinance Authorizing the Mayor and City Clerk to Accept a Deed of Dedication for Kircher Drive (*Sponsor: Bob Kneemiller*)

Passed “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Feldman

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on December 10, 2008, and is known as **Ordinance 08-256**

Bill 9812 (*Substitute Bill No. 1*)

An Ordinance Amending Ordinance Number 07-316 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2008 (Budget Amendment #6) (*Sponsors: Jerry Reese, Larry Muench, and Laurie Feldman*)

Passed “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Feldman

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on December 10, 2008, and is known as **Ordinance 08-257**

Bill 9814

An Ordinance Rezoning to City Zoning District R-1E (Single-Family Residential District) from County Zoning District R-1E (Single-Family Residential District), a Parcel of Land Located at 420 Hemsath Road. (*Sponsors: Laurie Feldman and Larry Muench*)

Passed “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Feldman

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on December 10, 2008, and is known as **Ordinance 08-258**

Bill 9815

An Ordinance Authorizing Amendment No. 3 to the Contract with Information Technologies, Inc. (ITI) for the Lease of Police Computer Aided Dispatch (CAD) and Records Management Systems (RMS) for the Police Department in an Amount of \$97,456.00, for a Total Amount Not to Exceed \$437,450.51. (*Sponsor: Jerry E. Reese*)

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 9, 2008

Passed “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Feldman

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on December 10, 2008, and is known as **Ordinance 08-259**

Bill 9816

An Ordinance Amending Ordinance No. 08-18 by Revising Exhibit A, the List of Persons Authorized for Use of Account and “Specimen Signatures,” Due to the Hiring of a New Purchasing Coordinator *(Sponsor: Jerry E. Reese)*

Passed “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Feldman

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on December 10, 2008, and is known as **Ordinance 08-268**

Bill 9817

An Ordinance Authorizing an Engineering Services Contract with Terra Technologies, Inc. for the Design of the Emergency Creek Bank Stabilization Project in an Amount Not to Exceed \$239,470.00. *(Sponsors: Bob Kneemiller, Dave Beckering)*

Passed “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Feldman

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on December 10, 2008, and is known as **Ordinance 08-260**

Bill 9818

An Ordinance Approving a Certificate of Completion; and Authorizing Payment of \$1,790,000.00 from the Project Fund in Connection with Phase Ten-A of the New Town at St. Charles Neighborhood Improvement District (*Sponsor: Michael Klinghammer*)

Passed “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Feldman

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on December 10, 2008, and is known as **Ordinance 08-261**

Bill 9819

An Ordinance Authorizing Amendment Number 7 to the Contract with Environmental Management Corporation (EMC) for Professional Management, Engineering and Construction Services Relating to the Mississippi River Wastewater Treatment Plant Interceptor Pump Station and Force Main Project. *(Sponsor: Michael Klinghammer)*

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 9, 2008

Passed “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Feldman

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on December 10, 2008, and is known as **Ordinance 08-262**

Bill 9820 (Amended)

An Ordinance Amending Chapter 39 of the Code of Ordinances by Adding One New Section, to be Known as Sections 39.07, Pertaining to Release and Settlement of Claims filed against the City *(Sponsor: Bob Kneemiller)*

A motion was made by BOB KNEEMILLER to amend Council Bill 9820 to require that claims for damages be paid within five “business” days rather than five “calendar” days. DAVE BECKERING seconded the motion. All voted in favor, motion passed.

Bill 9821

An Ordinance Repealing Ordinance No. 08-207 and Enacting a New Ordinance Providing for a Two and One-half Percent (2.5%) Salary Increase for Non-represented Employees and Moving Represented Employees' Salary to Their Respective Labor Agreement

(Sponsors: Jerry E. Reese, Laurie Feldman, Dave Beckering)

The vote on Council Bill 9821 was taken following the recess as reported on Page 336 of the record.

Bill 9822

An Ordinance Computing the Final Costs Of Certain Improvements Within the Phase Ten-A Area of the New Town at St. Charles Phase Ten Neighborhood Improvement District; Apportioning the Cost of Such Improvements Among the Properties Benefited; Assessing the Final Costs as Special Assessments; and Providing Further Authority, All Pursuant to the Neighborhood Improvement District Act. *(Sponsor: Michael*

Klinghammer)

Passed “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Feldman

“Nay”: None

Absent: Weller

Approved by the Honorable Mayor on December 10, 2008, and is known as **Ordinance 08-264**

Bill 9823

An Ordinance Approving the Record Plat for Resubdivision of Lot 4 of Fountain Lakes Commerce Center, Plat 7, a Subdivision in the City of St. Charles, Missouri. (*Sponsor: Michael Klinghammer*)

The vote on Council Bill 9823 was taken previously as reported in the record on page 331 of the record.

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 9, 2008

Bill 9824

An Ordinance Authorizing Supplemental Agreement No. 3 to the Contract with Dave Kolb Grading, Inc. for the Pearl Ridge Storm Sewer Extension Project in an Amount of \$80,300.00, for a Total Amount Not to Exceed \$1,060,654.00. (*Sponsor: Laurie Feldman*)

Passed “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Feldman

 “Nay”: None

 Absent: Weller

Approved by the Honorable Mayor on December 10, 2008, and is known as **Ordinance 08-265**

Bill 9825

An Ordinance Authorizing a Contract with Arthur J. Gallagher Risk Management Services, Inc., to Place Various Lines of Insurance Coverage and Third Party Administration Services in an Amount Not to Exceed \$722,599.00. (*Sponsor: Jerry Reese*)

Passed “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Feldman

 “Nay”: None

 Absent: Weller

Approved by the Honorable Mayor on December 10, 2008, and is known as **Ordinance 08-266**

Bill 9826

An Ordinance Repealing Ordinance 08-215 and Enacting a New Ordinance Authorizing the Mayor and City Clerk to Execute a Contract with Colliers Turley Martin Tucker to Provide Real Estate Brokerage Services for the Sale, Solicitation, Advertising and Negotiation for the Sale of an Approximate 22.5 Acre Parcel of City Property Located Near Highway 370 and Little Hills Expressway. (*Sponsors: Jerry E. Reese, Richard Veit*)

Passed “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Feldman

 “Nay”: None

 Absent: Weller

Approved by the Honorable Mayor on December 10, 2008, and is known as **Ordinance 08-267**

RECESS AND RECONVENE

A motion was made by DAVE BECKERING to recess the Special Council Meeting at 7:25 p.m. LARRY MUENCH seconded the motion. All voted in favor, motion passed. The Special City Council Meeting reconvened at 7:30 p.m., in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, and Richard Veit. Absent: Michael Weller.

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 9, 2008

Bill 9821

An Ordinance Repealing Ordinance No. 08-207 and Enacting a New Ordinance Providing for a Two and One-half Percent (2.5%) Salary Increase for Non-represented Employees and Moving Represented Employees' Salary to Their Respective Labor Agreement
(Sponsors: Jerry E. Reese, Laurie Feldman, Dave Beckering)

A separate vote was taken on Council Bill 9821, with the following results:

Passed "Aye": Muench, Reese, Stivison, Veit, Beckering, Ermeling, Feldman,
 Klinghammer, and Kneemiller
 "Nay": None
 Absent: Weller

Approved by the Honorable Mayor on December 10, 2008, and is known as **Ordinance 08-263**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 9827

An Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by John Johnston (1722 South River Road) (Sponsor: Laurie Feldman)

Bill 9828

An Ordinance Authorizing Supplemental Agreement No. 2 to the Engineering Services Contract with RJN Group, Inc. for the Design of the Arena Parkway Water Main Project in an Amount of \$6,400.00, for a Total Amount Not to Exceed \$136,397.23 (Sponsors: Michael Klinghammer and Laurie Feldman)

Bill 9829

An Ordinance Authorizing a Contract with TGB, Inc. for the Construction of the Second Street Water Main Project in an Amount Not to Exceed \$829,376.50 (Sponsor: Michael Klinghammer)

CONSENT AGENDA

A motion was made by LARRY MUENCH to receive and approve the Consent Agenda. LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Reese, Stivison, Veit, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, and Muench. "Nay": None. Absent: Weller. Motion passed.

- A. Contract Amendment with Just Building & Remodeling for Installation of Wreaths in Frenchtown in an amount not-to-exceed \$4,320.00

File #46988

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 9, 2008

B. Receipt of Reports of the Director of Administration

Director of Administration Michael Spurgeon gave an overview of the requests for authorization to fill vacant position; and recommended approval. Councilmember Bob Kneemiller requested that Mr. Spurgeon provide periodic status reports relative to the hiring of the City Engineer.

1. Request for Authorization to fill vacant positions in the Public Works Department

File #46989

2. Request for Authorization to fill vacant positions in the Police Department

File #46990

REPORT OF THE MAYOR

Written and/or Verbal Messages from the Mayor

Fifth Annual St. Charles City Lights Display Contest. The Honorable Mayor Patricia M. York announced that the awards for the Fifth Annual St. Charles City Lights Display Contest will be presented at the December 16, 2008, Regular Council Meeting.

Los Posadas. The Honorable Mayor Patricia M. York stated that Los Posadas held on December 6, 2008, was a great success. President of the Council Jerry Reese also commented on the success of Los Posadas.

Christmas Tree in Berthold Park. The Honorable Mayor Patricia M. York thanked Gene and Suzanne Carroll for donating the tree, and thanked those who assisted in decorating the Christmas Tree in Berthold Park.

Shopping on Main Street. The Honorable Mayor Patricia M. York commented on the huge crowds on Main Street during the Holiday Season.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Written and/or Verbal Messages from the Councilmembers

Ringin' Bells for Salvation Army. Councilmember Laurie Feldman thanked Councilmembers Larry Muench, Ron Stivison, Michael Klinghammer and Richard Veit for ringin' bells for the Salvation Army.

Lindenwood University Performing Arts Theatre. Councilmember Bob Kneemiller encouraged residents to attend the *Scrooge* performance at the Lindenwood University Performing Arts Theatre.

St. Charles Municipal Band/Jazz Band Performance. Vice President of the Council Larry Muench announced that the St. Charles Municipal Bank/Jazz Band will perform at the Foundry Arts Centre on December 18, 2008.

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
December 9, 2008

Recycling Containers. Councilmember Laurie Feldman announced that Allied Waste is currently delivering the recycling containers.

The Special Session adjourned at 7:51 p.m.

January 6, 2009
Date Approved
Marilyn L. McCoy
City Clerk

Jerry R.
Jerry Reese, Presiding Officer